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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES THEODORE SHARKEY,  
  
                                Petitioner,  
  
                v.  
  
CHARLES DANIELS, et al.,  
  
                                Respondents.

Case No. 2:20-cv-00344-GMN-BNW  
  
**ORDER**

          This is a habeas corpus action under 28 U.S.C. § 2254. Petitioner, James Theodore Sharkey, has filed an application to proceed in forma pauperis (ECF No. 1), a petition for a writ of habeas corpus, and a motion for appointment of counsel. Sharkey challenges the same state-court judgment of conviction in an already open habeas corpus action, Sharkey v. Williams, Case No. 2:20-cv-00253-KJD-DJA. The current action is redundant, and the court dismisses it in favor of the earlier commenced action.

          Reasonable jurists would not find the court's decision to be debatable or wrong, and the court will not issue a certificate of appealability.

          IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF No. 1) is **DENIED** as moot.

1 IT FURTHER IS ORDERED that the clerk of the court file the petition for a writ of  
2 habeas corpus, the exhibits to the petition, and the motion for appointment of counsel, currently in  
3 the docket at ECF No. 1-1, 1-2, and 1-3, respectively.

4 IT FURTHER IS ORDERED that the motion for appointment of counsel is **DENIED** as  
5 moot.


6 IT FURTHER IS ORDERED that this action is **DISMISSED** without prejudice because it  
7 duplicates Sharkey v. Williams, Case No. 2:20-cv-00253-KJD-DJA. The clerk of the court shall  
8 enter judgment accordingly and close this action.

9 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

10 IT FURTHER IS ORDERED that that the clerk shall add Aaron Ford, Attorney General  
11 for the State of Nevada, as counsel for respondents.

12 IT FURTHER IS ORDERED that the clerk shall electronically serve upon respondents a  
13 copy of this order and the petition. No response is necessary.

14 DATED: February 20, 2020

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18 GLORIA M. NAVARRO  
19 United States District Judge  
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